

REMARKS/ARGUMENTS

Claims 1-18, 21-30, 38-42, 47-53, and 55-60 are currently pending. Claims 1 and 49 are currently amended. Claims 19-20 were previously canceled. Claims 31-37, 43-46, and 54 are presently canceled.

Claims 16-18, 38-42, 47-48, and 55 are allowed.

Claims 31-37, 43-46 and 54 are rejected under 35 U.S.C. § 112, as failing to comply with the enablement requirement. As claims 31-37, 43-46 and 54 have been canceled, this rejection is moot.

Claims 1-15, 21-30 and 56-60 are rejected under 35 U.S.C. § 112, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 has been amended to address the Examiner rejection. Specifically, the limitations for a "power switch" have been deleted from claim 1, and limitations for a switch configurable to select operations have been added to claim 1

Claims 1, 26-28, 43-46, 49-53, and 56-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over by Daniels, U.S. Patent No. 6,417,850 B1 in view of Stork et al., U.S. Patent No. 6,275,174.

Claims 49-53 are method claims associated with the above apparatus of claims 1, 20, 26-27, and are rejected as the same set forth as applied to the above claims.

Claims 2-5, 7, and 9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniels and Stork.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniels and Stork and further in view of Liu, U.S. Patent No. 6,133,907.

Claims 8, 11-15, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniels and Stork in view of Stork et al., U.S. Patent No. 6,181,329 B1.

Claims 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniels and Stork in view of Hu, U.S. Patent No. 5,952,997.

Claims 29-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniels and Stork and further in view of Buchner et al., U.S. Patent No. 5,532,753.

Claim 1 as amended is not obvious over Daniels in view of Stork as these references fail to show or suggest every limitation of amended claim 1. Specifically Daniels describes a control device that is configured to power either a control element or a laser. Moreover, the control device of Daniels provides for automatic power switching between the control element and the laser for conservation of battery power. See Daniels at col. 2, lines 43-53 among other places. Nowhere does Daniels describe that the power switch is user operable and, nowhere does Daniels describe that the power switch is configured to permit operation of both Daniel's control element and laser for substantially simultaneous operations. Therefore, Daniels fails to render amended claim 1 obvious.

Stork '174 does not make up for the deficiencies of Daniels. Specifically, Stork describes a control device that includes a rotary knob and a laser. The laser is operated by a laser control button on the body of the control device. See Stork at col. 5, lines 40-66. Nowhere does Stork describe that the laser control button or any other button or switch is user operable for selecting operation of the rotary knob, the laser, or the rotary knob and the laser. Therefore, Stork fails to make up for the deficiencies of Daniels. Therefore Daniel and Stork, either alone or in combination, fail to render amended claim 1 obvious.

Claim 49 has been amended to include similar limitations as those of amended claim 1 distinguished from Daniels and Stork above. Therefore, for at least the same reasons that Daniels and Stork fail to render amended claim 1 obvious, Daniels and Stork fail to render claim 49 obvious.

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Reply to Office Action of December 14, 2004

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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